

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES A. DANN,

Petitioner,

-against-

9:05-CV-969
(LEK/RFT)

MICHAEL RABIDEAU,

Respondent.

DECISION AND ORDER

On July 7, 2008, this Court issued an Order adopting a Report-Recommendation filed on June 6, 2008, by the Honorable Randolph F. Treece. Report-Rec. (Dkt. No. 11); Order (Dkt. No. 13). On July 9, 2008, Petitioner James A. Dann filed Objections to the Report-Recommendation. Objections (Dkt. No. 15).

According to FED. R. CIV. P. 72(b), in compliance with L.R. 72.1, a party must serve any “specific, written objections to the proposed findings and recommendations” within **ten days**, excluding weekends and holidays, after that party has been served with a copy of a Magistrate Judge’s Report-Recommendation. Although the objections were not raised within the allotted time, the Court has considered the objections submitted by Petitioner. The Court has thus now considered the objections and undertaken a de novo review of the record and upholds its previous determination that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the July 7, 2008 Order (Dkt. No. 13) is **UPHELD**; and it is further

ORDERED, that the Report-Recommendation (Dkt. No. 11) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

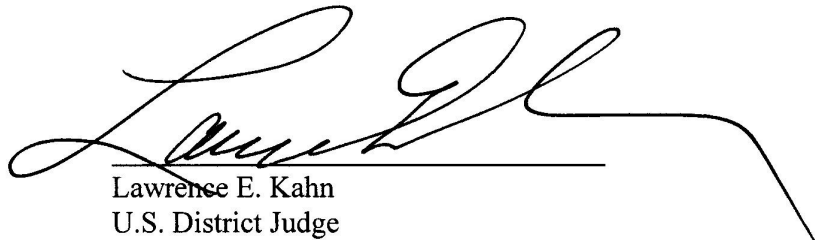
ORDERED, that the Petition for Writ of Habeas Corpus (Dkt. No. 1) is **DENIED**; and it is further

ORDERED, that no Certificate of Appealability shall issue with respect to any of Petitioner's claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: July 10, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge